IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO **EASTERN DIVISION**

)
JANE DOE et al.,) CASE NO. 1:07cv2787
))) JUDGE DAN A. POLSTER)
Plaintiffs)) NOTICE OF DEEMED) ADMISSIONS
vs.)))
DEAN BOLAND)
Defendant))

NOW come the Plaintiffs and give notice that the following matters are deemed admitted for the purposes of this case pursuant to FRCP 36 because Defendant Boland failed to admit or deny them within 30 days as required.

Requests to admit the following matters were served upon the defendant on March 5, 2008. Defendant Boland neither admitted nor denied the matters but instead only chose to send the email communication attached hereto as Exhibit "2". Additionally Defendant Boland refused to attend a meeting scheduled on March 3, 2008 at the Cleveland Office of the FBI to view the non-sexually explicit images² of the two minor Plaintiffs which he downloaded from the internet from Istockphoto. Defendant Boland refused to attend this meeting so that he could

¹ See email attached as Exhibit "1" ² Attached hereto as Exhibits "A" and "B"

persist in maintaining he does not know the identity of these minors and stymie the discovery process in this case. Since that time, he has chosen to shred the non-sexually explicit images.³

ADMISSION NO. 1

All factual statements contained in Defendant Boland's diversion agreement, and any document attached thereto, are true and deemed admitted for the purposes of this civil action.

ADMISSION NO. 2

Defendant Boland created a visual depiction using a likeness (depicted in attached Exhibit "A") of Plaintiff Jane Doe that Defendant Boland downloaded from Istockphoto.com on February 13, 2004 at 3:12 PM showing her to be engaging in fellatio.

ADMISSION N0.3

Defendant Boland created a visual depiction using the likeness (depicted in attached Exhibit "B") of Plaintiff Jane Roe that Defendant Boland downloaded from Istockphoto.com on February 13, 2004 at 3:12PM showing her to be engaging in fellatio.

ADMISSION NO. 4

Defendant Boland created a visual depiction using the likeness of Plaintiff Jane Roe that Defendant Boland downloaded from Istockphoto.com on February 13, 2004 at 3:12PM showing her to be naked and between two males who are ejaculating on her torso.

ADMISSION NO. 5

Defendant Boland gave CD(s) containing exhibits which were made by Defendant Boland utilizing the image(s) or depiction(s) of Jane Doe and /or Jane Roe to defense counsel and/or court personnel.

ADMISSION NO. 6

Defendant Boland knew the "morphing" of images of real children into sexually explicit scenes was not constitutionally protected conduct at the time Defendant Boland created the images which lead to your pre-trial diversion agreement.

ADMISSION NO. 7

No one, other than Defendant Boland, was aware that Defendant Boland had utilized the likenesses of real children in the creation of images depicting fellatio and ejaculation.

³ See Exhibit "2"

Respectfully submitted,

/s/ Jonathan E. Rosenbaum
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Proof of Service

A true and accurate copy of the foregoing has been electronically by email and by ordinary mail served this 29th day of April, 2008 upon the following:

Dean Boland, Esq. 18123 Sloane Avenue Lakewood, Ohio 44017 dean@deanboland.com

/s/ Jonathan E. Rosenbaum
JONATHAN E. ROSENBAUM
Supreme Court Reg. No. 0021698
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